

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Kladders, Heinrich et al.) Art Unit: 3771
Serial No. : 10/757,047) Examiner: Douglas, Steven O.
Confirmation No. : 4842) Docket No.: 01-1449
Filed : January 14, 2004
For : Capsule for Taking an Active Substance which can be Inhaled

VIA EFS

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICANT COMMUNICATION

Sir:

In light of the duty of candor and good faith in practice before the Office, Applicant submits this Communication in order to notify the Office that the correct patent term adjustment is believed to be less than that indicated by the Office. Applicant notes that the Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed February 2, 2009, shows the patent term adjustment to date is 1233 days. Applicant submits the patent term adjustment to date should be 919 days.

Respectfully submitted,

Dated: February 27, 2009

s/Matthew B. Dernier/
Matthew B. Dernier, Reg. # 40,989
Attorney for Applicant

Gibson & Dernier LLP
900 Route 9 North
Woodbridge, NJ 07095
Tel: (732) 634-7634
Fax: (732) 634-6887

Patent Department
Boehringer Ingelheim Corp.
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT 06877
Tel: (203) 798-9988